

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

YING CHANG,

No. 3:12-cv-01884-HU

Plaintiff,

ORDER

v.

CITIMORTGAGE, INC., a foreign
company,

Defendant.

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Portland, OR 97205

Attorney for Plaintiff

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Attorneys for Defendant

HERNANDEZ, District Judge:

Magistrate Judge Hubel issued a Findings and Recommendation (#17) on August 27, 2013, in which he recommends that the Court should grant Plaintiff's request for judicial notice, deny Defendant's request for judicial notice, and grant in part and deny in part Defendant's motion to dismiss. Defendant timely filed an objection to the Findings and Recommendation. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

Plaintiff objects to the Findings and Recommendation because Judge Hubel found that Plaintiff had sufficiently pled a claim for intentional infliction of emotional distress ("IIED"). Objection to F&R, 1. I have carefully considered Defendant's objection and conclude that the objection does not provide a basis to modify the recommendation. I have also reviewed the pertinent portions of the record *de novo* and find no error in the Magistrate Judge's Findings and Recommendation.


CONCLUSION

The Court adopts Magistrate Judge Hubel's Findings and Recommendation (#17). Therefore, Plaintiff's request for judicial notice (#14) is granted, Defendant's request for judicial

notice (#16) is denied and Defendant's motion to dismiss (#11) is granted in part and denied in part as follows: the FDCPA claim is dismissed; the FCRA claim under § 1681s-2(a) and the claim for emotional distress damages from breach of contract are dismissed with prejudice; and the UDCPA, UTPA, IIED, and breach of contract claims are sufficiently pled. Plaintiff has 14 days from the date of this order to amend claims that were not dismissed with prejudice.

IT IS SO ORDERED.

DATED this 2 day of November, 2013.


MARCO A. HERNANDEZ
United States District Judge